



Floris Smith Architecture Pty Ltd
1 Vernon Street
CAMMERAY NSW 2062

D130/22
TH2(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
NOTICE OF DETERMINATION – Deferred Commencement**

Issued under Section 4.18 of the Environmental Planning and Assessment Act 1979 (“the Act”). Clause 87 of the Environmental Planning and Assessment Regulation 2021 (“the Regulation”)

Development Application Number: 130/22

Land to which this applies: 4 Honda Road, Kurraba Point
Lot No.: B, DP: 405794

Applicant: Floris Smith Architecture Pty Ltd

Proposal: Subdivision into two lots, construction of a new dwelling, stormwater works and alterations and additions to an existing dwelling.

Determination of Development Application: The development application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 1 March 2023. Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, deferred commencement has been granted, subject to conditions in the notice of determination.

Date of Determination: 1 March 2023

Reason for Deferred Commencement: The majority of the Panel found the proposal satisfactory given compliance with NSLEP 2013 and the North Sydney Development Control Plan 2013. At the same time the Panel has imposed further restrictions on the size of the dwellings because of the significant constraints of the site with changes in topography, the flooding hazard and the need to sensitively minimize impacts on the Conservation Area. Given these constraints the opportunity to maximise development of the site is not a reasonable expectation.

The Panel notes the conditions require large canopy trees, in particular in the front setbacks and other vegetation to be retained, although removal of certain trees is required. The landscape plan also requires replacement plantings to provide a landscaped setting for the two dwellings.

The additional 'deferred commencement conditions' are imposed to minimise environmental impacts, including: the heritage Conservation Area; and flooding within houses 1 and 2 and to provide additional soft landscaping to maintain the verdant character of the Kurraba Point Conservation Area.

Condition 13 is to be added to ensure future owners/occupiers are informed about the stormwater drainage channel easement whereby Council have access rights to inspect, maintain and/or replace the stormwater channel. Condition 13 will also require future owners/occupiers are informed so as to not alter the floor level of House 2 which is at the Council-stipulated minimum 300mm above 1 in 100 year flood level. Condition 13 will inform future residents of House 1 to be informed that the existing and approved levels are substantially below the 1 in 100 year flood level plus 300mm freeboard.

Deferred Commencement Time Frame: 12 Months

Date of Lapsing: 6 March 2024

How community views were taken into account:

The submissions received by Council were addressed in the NSLPP report (see Council's website: <https://www.northsydney.nsw.gov.au/downloads/download/414/north-sydney-local-planning-panel-nslpp-meetings-2023>)

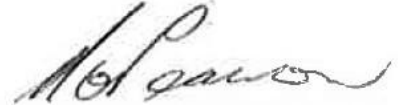
Review of determination and right of appeal:

Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not. Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

Endorsed for and on behalf of North Sydney Council

9/3/23

DATE



Signature on behalf of consent authority

ROBYN PEARSON

TEAM LEADER (ASSESSMENTS)

(i) **Conditions**

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of the Environmental Planning & Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning & Assessment Regulation 2021 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.17 of the Act.

(ii) **Definitions**

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or ***AS/NZS*** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

NCC means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means North Sydney Council.

Court means the Land and Environment Court.

Local Native Plants means species of native plant endemic to North Sydney LGA.

Stormwater Drainage System means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner Builder has the same meaning as in the *Home Building Act 1989*.

Principal Certifier for building or subdivision work means the certifier appointed as the principal certifier for the building work under section 6.6 (1) or for the subdivision work under section 6.12 (1).

Principal Contractor for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

Professional Engineer has the same meaning as in the *NCC*.

Public Place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

Site means the land being developed subject to this consent.

NSLEP 2013 means *North Sydney Local Environmental Plan 2013*

NSDCP 2013 means *North Sydney Development Control Plan 2013*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** – Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

INDEX OF CONDITIONS

	Page No.
AA1. Deletion of the media room and the front entry to House 1	9
AA2. Deletion of the store/wine cellar to the rear on the ground floor of House 1	9
AA3. Deletion of the store/wine cellar within the lower ground floor of House 2	9
 A. Conditions that Identify Approved Plans	
A1. Development in Accordance with Plans/documentation	10
A2. Plans on Site	10
A3. No Demolition of Extra Fabric	11
A4. External Finishes & Materials	11
 B. Matters to be Completed before the lodgement of an Application for a Construction Certificate	
B1. Construction Management Program – Local Traffic Committee Approval	11
 C. Prior to the Issue of a Construction Certificate (and ongoing, where indicated)	
C1. Dilapidation Report Damage to Public Infrastructure	13
C2. Dilapidation Report Private Property (Excavation)	13
C3. Dilapidation Survey Private Property (Neighbouring Buildings)	14
C4. Structural Adequacy of Adjoining Properties – Excavation Works	15
C5. Structural Adequacy of Existing Building	15
C6. Heritage Requirements	15
C7. Geotechnical Report	16
C8. Sediment Control	18
C9. Waste Management Plan	18
C10. Colours, Finishes and Materials (Conservation Areas)	19
C11. Work Zone	19
C12. Obtain Driveway Crossing Permit under S.138 Roads Act 1993	19
C13. Stormwater Management and Disposal Design Plan – Construction Issue Detail	21
C14. Floor Levels for Flooding	23
C15. House 1 Fenestration – Flooding	23
C16. Bond for Damage and Completion of Infrastructure Works – Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement	23
C17. Tree Protection Measures to be shown on Construction Drawings	24
C18. Protection of Trees	25
C19. Approval for removal of Trees	25
C20. Pruning of Trees	26
C21. Asbestos Material Survey	26
C22. Swimming Pool Pumps on Residential Premises	26
C23. Privacy	27
C24. Pool Access	28
C25. Swimming Pool Water to Sewer	28
C26. Pool Filter	28
C27. Section 7.11 Contributions	28
C28. Security Deposit/ Guarantee Schedule	29

C29.	BASIX Certificate	30
C30.	Amendments to the Landscape Plan	30

D. Prior to the Commencement of any Works (and continuing where indicated)

D1.	Protection of Trees	30
D2.	Temporary Fences and Tree Protection	31
D3.	Public Liability Insurance – Works on Public Land	31
D4.	Notification of New Addresses	31
D5.	Sydney Water Approvals	32
D6.	Commencement of Works Notice	32

E. During Demolition and Building Work

E1.	Re-use of Sandstone	32
E2.	Parking Restrictions	33
E3.	Road Reserve Safety	33
E4.	Service Adjustments	33
E5.	Temporary Disposal of Stormwater Runoff	34
E6.	Structures Clear of Drainage Easements	34
E7.	Geotechnical Stability during Works	34
E8.	Council Inspection of Public Infrastructure Works	35
E9.	Removal of Extra Fabric	35
E10.	Dust Emission and Air Quality	35
E11.	Noise and Vibration	36
E12.	No Work on Public Open Space	36
E13.	Developer's Cost of Work on Council Property	36
E14.	No Removal of Trees on Public Property	36
E15.	Protection of Trees	36
E16.	Trees to be Removed	37
E17.	Construction Hours	37
E18.	Installation and Maintenance of Sediment Control	37
E19.	Sediment and Erosion Control Signage	38
E20.	Site Amenities and Facilities	38
E21.	Health and Safety	38
E22.	Prohibition on Use of Pavements	38
E23.	Plant & Equipment Kept Within Site	39
E24.	Waste Disposal	39
E25.	Asbestos Removal	39

F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation

F1.	National Construction Code	39
F2.	Home Building Act	39
F3.	Appointment of a Principal Certifier (previously known as a PCA)	40
F4.	Construction Certificate	40
F5.	Occupation Certificate	41
F6.	Commencement of Works	41
F7.	Excavation/Demolition	41
F8.	Protection of Public Places	41
F9.	Site Sign	42

G. Prior to the Issue of an Occupation Certificate

G1.	Infrastructure Repair and Completion of Works	42
G2.	Certification- Civil Works	43
G3.	Works as Executed Drawings and Video	43
G4.	Pool Access	43
G5.	Pool Safety Requirements	43
G6.	Damage to Adjoining Properties	44
G7.	Utility Services	44
G8.	Flood Risk Management Plan	44
G9.	Subdivision to be Registered	45
G10.	New Drainage Easement (Relocated Pipeline)	45
G11.	Notification of New Address Developments	45
G12.	Asbestos Clearance Certificate	46
G13.	Certification of Tree Condition	46
G14.	Sydney Water	46
G15.	BASIX Completion Certificate	47
G16.	House Numbering (Dwellings)	47
G17.	Landscaping	47
G18.	Compliance with Certain conditions	48

I. On-Going / Operational Conditions

I1.	Pool Filter	48
I2.	Maintenance of Approved Landscaping	48
I3.	Stormwater Drainage Channel and floor levels and S.88 Instrument	49
I4.	Ongoing maintenance of levels	49
I5.	Documents to be maintained on site	49

J. Prior to the Issue of Any Subdivision Certificate (Land/ Torrens/ Stratum)

J1.	Registered Plans (Land/Torrens/Stratum)	50
J2.	Subdivision Certificate	50
J3.	Sydney Water Compliance Certificate	50
J4.	Services within Lots	51
J5.	Easements, Rights-of-Way and Restrictions-as-to-User	51
J6.	Section 88B Instrument	51
J7.	Release of Subdivision Certificate	52
J8.	Building and Unit Numbering	52

AA. Deferred Commencement Conditions

This consent shall not operate until the following deferred commencement condition(s) have been satisfied.

The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent. It will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

NOTE: Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not. You are also advised of your appeal rights under clause 76(5) of the Environmental Planning and Assessment Regulation 2021, which provides that: *If the consent authority has not notified the applicant within the period of 28 days after the applicant's evidence is produced to it, the consent authority is, for the purposes only of section 8.7 of the Act, taken to have notified the applicant that it is not satisfied as to those matters on the date on which that period expires.*

Deletion of the media room and the front entry to House 1

AA1. The front addition to House 1 comprising the media room and the main entry as shown in Drawing No. DA10 Rev B are to be deleted and replaced with soft landscaping (including turf, ground covers and/or shrubs). The roof and balcony above the ground floor front addition shown on Drawing No. DA11 Rev B is also to be deleted.

(Reason: The deletion of the front addition is required to minimise flooding within house 1 and to provide more soft landscaping within the front setback of house 1 to maintain the verdant character of the Kurraba Point Conservation Area in accordance with Provision P1, s6.2.6 of the NSDCP 2013)

Deletion of the store /wine cellar to the rear on the ground floor of House 1

AA2. The rear addition to House 1 including the wine cellar and store as shown in Drawing No. DA10 Rev B is to be deleted.

(Reason: The deletion of the rear addition is required to minimise the structural impact to adjoining properties, to minimise the risk of flooding within the dwelling, and to preserve land stability in accordance with Provision P1, s1.3.1 of the NSDCP 2013)

Deletion of the store /wine cellar within the lower ground floor of House 2

AA3. The lower ground floor within house 2 (including the wine cellar, WC and store) as shown in Drawing No. DA16 Rev B is to be deleted.

(Reason: The deletion of the lower ground floor is required to minimise the risk of flooding within house 2 and to maintain the structural integrity of adjoining properties in accordance with the objectives of s1.3.1 of the NSDCP 2013)

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition have been satisfied.

Upon satisfaction of the deferred commencement condition(s), the following standard conditions apply:

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Rev	Description	Prepared by	Received
DA02	C	Site Plan	Floris Smith	12/12/2022
DA04	B	Honda Road Elevation	Floris Smith	12/12/2022
DA05	B	Bogota Avenue Elevation	Floris Smith	12/12/2022
DA06	B	Site Sections	Floris Smith	12/12/2022
DA09	B	House 1 Lower Ground Plan	Floris Smith	12/12/2022
DA10	B	House 1 Ground Floor Plan	Floris Smith	12/12/2022
DA11	B	House 1 First Floor Plan	Floris Smith	12/12/2022
DA12	B	House 1 Roof Plan	Floris Smith	12/12/2022
DA13	B	House 1 Sections	Floris Smith	12/12/2022
DA14	B	House 1 Section and Elevations	Floris Smith	12/12/2022
DA15	B	House 1 Elevations	Floris Smith	12/12/2022
DA16	C	House 2 Lower Ground Plan	Floris Smith	12/12/2022
DA17	B	House 2 Ground Floor Plan	Floris Smith	12/12/2022
DA18	B	House 2 First Floor Plan	Floris Smith	12/12/2022
DA19	B	House 2 Roof Plans	Floris Smith	12/12/2022
DA20	B	House 2 Sections	Floris Smith	12/12/2022
DA21	C	House 2 Elevations	Floris Smith	12/12/2022
DA22	B	House 2 Elevations	Floris Smith	12/12/2022
01	B	Landscape Site Plan	Conzept	12/12/2022
02	B	House 1 Landscape Plan	Conzept	12/12/2022
03	B	House 2 Landscape Plan	Conzept	12/12/2022
04	B	House 2 Green Roof Plan	Conzept	12/12/2022
387	-	Plan of Proposed Subdivision	Robert F. Lyon	02/06/2022

Note: The above condition numbers may change with the approval of any plans submitted to satisfy Condition AA1, AA2, AA3.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

No Demolition of Extra Fabric

- A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

- A4. External finishes and materials must be in accordance with the submitted schedule dated 22 April 2022, prepared by Floris Smith and received by Council on 12 May 2022 unless otherwise modified by Council in writing.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

B. Matters to be Completed before the lodgement of an Application for a Construction Certificate

Construction Management Program - Local Traffic Committee Approval

- B1. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted for consideration by the North Sydney Traffic Committee and approved in writing by North Sydney Council's Traffic Division PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
 - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
 - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved

- by Council's Traffic Committee);
- v. Locations of hoardings proposed;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
 - c) The proposed phases of works on the site, and the expected duration of each phase.
 - d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
 - e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
 - f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve any permanent or temporary encroachment onto Council's property.
 - g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
 - h) A Waste Management Plan. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A certificate of compliance with this condition must be obtained from Council's development engineers. The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate. A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.

- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible, as a **minimum six (6) weeks' assessment period** is required, including referral to the Traffic Committee.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)*

Dilapidation Report Damage to Public Infrastructure

- C1. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason: To record the condition of public infrastructure prior to the commencement of construction)

Dilapidation Report Private Property (Excavation)

- C2. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey are to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: To record the condition of property/i.e., prior to the commencement of construction)

Dilapidation Survey Private Property (Neighbouring Buildings)

- C3. A photographic survey and dilapidation report of adjoining properties Nos. 33 Bogota Avenue and 2 Honda Road detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, **SHALL BE** submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the photographic survey and dilapidation report is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: Proper management of records)

Structural Adequacy of Adjoining Properties - Excavation Works

C4. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining properties Nos. 33 Bogota Avenue and 2 Honda Road, which certifies their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

(Reason: To ensure the protection and structural integrity of adjoining properties in close proximity during excavation works)

Structural Adequacy of Existing Building

C5. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Certifying Authority for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

(Reason: To ensure the structural integrity of the building is maintained)

Heritage Requirements

C6. The following heritage requirements are to be met:

- a) The sandstone front boundary fence to Houses 1 and 2 is to be retained at its existing height and restored if necessary with no increase in height. Any restoration works to the sandstone fence are subject to compliance with the requirements of Condition C13 Stormwater Management and Disposal Design Plan – Construction Issue Detail. Any new vehicular gate to House 1 is to be a painted steel palisade gate with a height to match the adjacent front boundary wall.
- b) New sandstone is to have a rock or split-faced finish.
- c) Privacy screens are to be painted to match the dwelling in a visually submissive tone. Metallic finishes are not to be used.
- d) The paved driveway to House 2 is to have a mid to dark tone and/or is to be detailed to create visual interest. A plain concrete slab is not to be used.
- e) The new garage door for House 2 is to be a panel lift door with materials and finishes for the garage door to include timber/earthy in appearance and if painted are to be in a matt finish.
- f) The garage door is to be setback 200mm from the outer face of the external garage wall of House 2 that faces Honda Road to reduce the build and scale of the garage as viewed from the street.
- g) The first floor glazing for House 2 is to be designed as shown in the House 2 Southern (DA22 Rev B) and Eastern Elevation (DA21 Rev C) not as shown in the House 2 First Floor Plan (DA18 Rev B).

- h) Window and doors that address the street shall be timber-framed. All other new windows and doors are to have aluminium or steel framing sections of a width 45mm or wider or are to be timber-framed.

The Certifying Authority must also ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the development is sympathetic to the character of the conservation area.)

Geotechnical Report

- C7. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:
- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0 m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
 - b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
 - c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
 - d) the existing groundwater levels in relation to the basement structure, where influenced;
 - e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
 - f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by an appropriately qualified consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting.

It is the responsibility of the consulting geotechnical/hydrological specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report must contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate.

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) no changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) an adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The report, satisfying the requirements of this condition, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The professional recommendations, implementation program, monitoring program, mitigation measures and the like contained in the report must be implemented in full during the relevant stages of excavation and construction.

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

Sediment Control

- C8. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

A Sediment Control Plan must be prepared and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Sediment Control Plan must be consistent with the Blue Book and disclose:

- a) All details of drainage to protect and drain the site during the construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- f) Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Sediment Control plan.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Waste Management Plan

- C9. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:

- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
- b) The design of the on-site waste storage and recycling area; and
- c) Administrative arrangements for waste and recycling management during the construction process.

The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

(Reason: To encourage the minimisation of waste and recycling of building waste)

Colours, Finishes and Materials (Conservation Areas)

C10. The finishes, materials and exterior colours shall be complementary to the architectural style of the original building and sympathetic to the character of the Conservation Area. A schedule of finishes, materials and external colours shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that the completed colours, finishes and materials are complementary to the Conservation Area)

Work Zone

C11. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Work Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate.

Where approval of the 'Work Zone' is given by the Committee, the requirements of the Committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

C12. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

The civil design drawings must include the following at a minimum:

- a) the vehicular access way must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor;
- b) the redundant layback crossing on Honda Road must be reinstated as upright kerb gutter and concrete footpath;
- c) the width of the vehicular layback for House 2 must be 3.5 metres (including the wings);
- d) the minimum distance from kerb inlet to proposed layback wing must be 600mm;
- e) the boundary footpath levels must match the existing levels and shall not be altered unless agreed to by Council;
- f) the gutter levels and road shoulder levels on Honda Road must stay unchanged;
- g) the kerb gutter, and 600 mm road shoulder wide strip, adjacent to all new layback and gutter works, on Honda Road must be reconstructed, to ensure uniformity in the road reserve;
- h) all inspection openings, utility services must be adjusted to match the proposed driveway levels and location;
- i) the design detail has to be provided with **vehicular access application** and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, **both** existing and proposed;
- j) a longitudinal section along the gutter line of Honda Road at a scale of 1:50 showing how it is intended to transition the layback with the existing gutter levels and shall include all changes of grade and levels, **both** existing and proposed;
- k) a longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, **both** existing and proposed;
- l) the sections must show the calculated clearance to the underside of any overhead structure;
- m) any footpath panel on Honda Road, or any other street that is disturbed for the purpose of stormwater connection must be reconstructed as a whole panel ;

The permit must be granted by Council prior to the issue of any Construction Certificate.

All driveway and infrastructure works on the road reserve must be undertaken in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified. The Certifying Authority issuing the Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanies the Construction Certificate issued.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

Stormwater Management and Disposal Design Plan - Construction Issue Detail

C13. Prior to issue of any Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) compliance with BCA drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, such as AS/It 23500.3.2 2003, National Plumbing and Drainage Code;
- b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to Council's stormwater gully pit in Honda Road. When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm;
- c) the applicant shall engage a specialist Hydraulics Engineer to carry out an evaluation of Council's stormwater drainage system and the effect of the proposed development on this system and vice versa. The results of this evaluation shall be submitted with all other drainage details to Council prior to issue of any Construction Certificate by the Certifying Authority.
- d) all civil and drainage works within the road reserve and Council's stormwater drainage easement shall be designed and built in accordance with recommendations of Council's engineers from Engineering Infrastructure Department and in accordance with current "Infrastructure Specification". Prior to issue of the Construction Certificate the applicant must have engineering plans and specifications, prepared by a qualified civil drainage design engineer. Council must approve the plans and specifications, in writing, prior to issue of any Construction Certificate by the Certifying Authority. The documentation must provide engineering construction detail for the following public infrastructure works that must be completed as part of the approved development. Council reserves the right of keeping all bonds on infrastructure works for 12-month defects liability period.
- e) The stormwater drainage system within the drainage easement must be designed for an average recurrence interval (A.R.I.) of 1 in 20 years storm or to be the same size as the existing channel whichever is greater.
- f) Flood storage is to be provided onsite to match the existing with no additional water being directed to other properties;

- g) The new grate and/or deck over the channel shall be built to Council's satisfaction and be designed to be removable for any future access, maintenance or replacement of the stormwater channel; and
- h) For the extensions to the existing dwelling the floor level is to be the same as the existing floor level with flood compatible materials being used.
- i) All redundant stormwater within the footpath area shall be removed and the footpath and kerb reinstated pipelines.
- j) Any proposed fence is to be constructed so as not to impede the natural overland flow along the line of the easement. Provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property or concentrated as a result of the proposed works. Any proposed fence to the property is to be designed to allow water to flow through it and not act as a barrier to flood water.
- k) Floor levels for the new building (House 2) adjacent to overland flow path, are to be minimum 300 mm above 1 in 100-year flood level. A report prepared by an appropriately qualified hydraulics engineer is to be submitted to the certifying authority with the construction certificate application, detailing the 1 in 100-year flood level and minimum floor level.
- l) all subsoil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.
- m) The design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
- n) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- o) The foundations for building structures and walls adjacent to the drainage easement are to be constructed in such a manner that does not affect stormwater drainage lines.
- p) A work method statement is required with appropriate engineering input to address the ongoing management of stormwater during construction of the new stormwater channel. The work method statement must be provided to Council prior to issue of any Construction Certificate by the Certifying Authority.

A site drainage management plan which complies with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure controlled stormwater management and disposal without nuisance)

Floor Levels for Flooding

- C14. Floor levels are to be minimum 300 mm above the 1-in-100-year flood level for the new dwelling (House 2) to be constructed on the newly subdivided part of Lot B DP 405794. The additions (new habitable areas) to House 1 can be at a floor level of 21.19 mAHD. However, flood protective materials shall be used for additions located below the overland flow path, are to be minimum 300 mm above the 1-in-100-year flood level.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Prevention of damage to dwellings as a result of flood events)

House 1 Fenestration – Flooding

- C15. Windows on the western and northern elevation of House 1 are to be designed as per the below requirements to minimise risk to residents during flooding:

- Window W02 serving the entry porch should be designed to withstand water pressure and sealed appropriately to prevent water ingress during a flood event. The window to be amended is annotated in the relevant plans – House 1 Ground Floor Plan (DA10 Rev B) and House 1 West (DA15 Rev B).
- The window W08 and W09 to be designed to withstand water pressure and sealed appropriately to prevent water ingress during a flood event. The windows to be amended is annotated in the relevant plans – House 1 Ground Floor Plan (DA10 Rev B) and House 1 West (DA15 Rev B).

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Prevention of damage to dwelling and safety of residents as a result of flood events)

Bond for Damage and Completion of Infrastructure Works - Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement

- C16. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$135,000.00 to be held by Council for the payment of cost for any/all of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent.
- c) remedying any defects in any such public work that arise within six months after the work is completed.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of six months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers.

Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following:

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and
- the Certifying Authority must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

Tree Protection Measures to be shown on Construction Drawings

C17. The tree protection measures contained in the arborist report prepared by Michael Shaw, dated 02 December 2022, and received by Council on 12 December 2022, shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that appropriate tree protection measures are shown on construction drawings)

Protection of Trees

C18. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree	Location	Height (m)
Cedrus deodara	Located in the south western corner of the site	16m
Livistona australis	Located in the north western corner of the site	8m
Cyathea cooperi	Located in the north western corner of the site	8m
Phoenix canariensis	Located in the north western corner of the site	10m
Jacaranda mimosifolia	Located in the north western corner of the site	10m
Ceratopetalum gummiferum	Located in the northern corner of the site	6m
Cyathea cooperi	Located in the northern corner of the site	8m
Camellia japonica	Located in the northern corner of the site	6m
Lagerstroemia indica	Located centrally within the site	2m
Pittosporum undulatum	Located in the northern corner of the site	8m
Angophora costata	Located in the northern corner of the site	20m

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Approval for Removal of Trees

C19. The following tree(s) are approved for removal in accordance with the development consent:

Tree	Location	Height (m)
Juniperus sp.	Located within the southern part of the site adjacent to Honda Road	12m
Magnolia grandiflora	Located within the southern part of the site	4m
Tibouchina sp.	Located within the south eastern corner of the site	8m
3 x Callistemon viminalis	Located adjacent to the western boundary of the site	3m
Callistemon citrinus	Located adjacent to the western boundary of the site	3m
Syzygium sp.	Located within the south eastern part of the site.	3m

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Pruning of Trees

C20. All pruning works shall to the following tree(s) shall be undertaken under the guidance of an appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees:

Tree	Location	Height (m)
Cedrus deodara	Located within the south western corner of the site.	16m

A report detailing the measures to be employed during construction shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

All measures required by the said report must be complied with at all times in the carrying out of the development.

(Reason: To ensure the protection and longevity of existing significant trees)

Asbestos Material Survey

C21. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:

- a) the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- b) all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
- c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and
- d) Waste disposal receipts must be provided to the Certifying Authority as proof of correct disposal of asbestos laden waste.

The report must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the report, and other plans, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the long-term health of workers on site and occupants of the building is not put at risk unnecessarily)

Swimming Pool Pumps on Residential Premises

C22. The Certifying Authority must be satisfied that the swimming pool pump to be installed on the premises must not:

- a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - (i) before 8.00 am and after 8.00 pm on any Sunday or Public Holiday; or
 - (ii) before 7.00 am or after 8.00 pm on any other day

- (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals .

“boundary” includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

Details demonstrating compliance with the requirements of this condition must be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To maintain residential amenity)

Privacy

C23. The following privacy devices are to be provided:

- a) Fixed obscure or frosted glass shall be attached to the western first floor window named W12. The window to comprise fixed obscure or frosted glass is clouded in red on House 1 First Floor Plan (DA11 Rev B).

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure an adequate level of privacy is provided between the adjoining properties known as ‘House 1’ and ‘House 2’)

Pool Access

C24. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the barrier is to conform to the requirements of the applicable Australian Standard. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the safety of children and make applicant aware of the need to comply with applicable pool fencing legislation)

Swimming Pool Water to Sewer

C25. The swimming pool, including overflow water, must be drained to the sewer. The consent of Sydney Water to dispose of wastewater must be obtained prior to the issue of any Construction Certificate. Plans and specifications complying with this condition and any conditions/ requirements of Sydney Water must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully comply with this condition and any conditions/ requirements imposed by Sydney Water.

(Reason: Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system)

Pool Filter

C26. The pool filtering equipment must be encased by a soundproof cover and must be located six (6) metres from any habitable room in a dwelling on a neighbouring property. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

Section 7.11 Contributions

C27. A monetary contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is **\$20,000.00**.

A	B (\$)
Open Space and recreation facilities	\$11, 012.89
Public domain	\$6,130.55
Active transport	\$349.91
Community Facilities	\$2,211.99
Plan Administration and Management	\$294.66
The total contribution is	\$ 20,000.00

Indexation

The monetary contribution required under this consent will be indexed at the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

The contribution must be paid to Council prior to issue of any Construction Certificate for any work approved by this consent.

A copy of the North Sydney Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au.

(Reason: To provide for local infrastructure identified in the North Sydney Council Local Contributions Plan 2020)

Security Deposit/Guarantee Schedule

C28. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Drainage Construction Bond	130,000.00
Engineering Construction Bond	5,000.00
TOTAL BONDS	\$135,000.00

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

Note: The following fees applicable

Fees	Amount (\$)
Section 7.11 Contributions	
TOTAL FEES	\$20,000.00

(Reason: Compliance with the development consent)

BASIX Certificate

C29. Under clause 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1298439M_02 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Amendments to the Landscape Plan

C30. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- The water feature within the front garden/western side setback of House 1 is to be deleted and replaced with landscaping. The landscaping is to comprise of plants and grasses only as shown on the plans and clouded in red on the approved House 1 Ground Floor Plan/Landscape Plan.

An amended landscape plan complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

D. Prior to the Commencement of any Works (and continuing where indicated)

Protection of Trees

D1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites). A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

(Reason: To ensure compliance with the requirement to retain significant planting on the site)

Temporary Fences and Tree Protection

- D2. All protected trees on-site including the landscaped north western corner of the site that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builders' waste are to be stored in the vicinity of the north western corner of the site or in the vicinity of nominated tree/trees at any time. The north western landscaped corner of the site is to remain out of bounds during construction and appropriate signage as well as fencing is to prevent access to this area.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), must be installed to the satisfaction of the Certifying Authority prior to demolition or commencement of any works and must be maintained for the duration of the works.

(Reason: To protect the trees to be retained on the site and protect the frog habitat on the site during construction works)

Public Liability Insurance - Works on Public Land

- D3. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

(Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land)

Notification of New Addresses

- D4. Prior to the commencement of any building works, an application must be made and written confirmation received from North Sydney Council of the allocated street address (house number) and/or unit numbers of the completed project.

To assist Council, a plan for unit numbering should be submitted for concurrence. These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing. A copy of the allocation confirmation must be submitted to the Certifying Authority with the application for a Construction Certificate.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties)

Sydney Water Approvals

D5. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes: Sydney Water Building Plan Approvals can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13 000 TAP IN (1300 082 746) for further information.

(Reason: To ensure compliance with Sydney Water requirements)

Commencement of Works' Notice

D6. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

(Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

E. During Demolition and Building Work

Reuse of Sandstone

E1. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

Note: The provisions of the Heritage Act may also apply to altering any sandstone elements on any site.

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

Parking Restrictions

- E2. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

Road Reserve Safety

- E3. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

Service Adjustments

- E4. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Temporary Disposal of Stormwater Runoff

E5. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

Structures Clear of Drainage Easements

E6. It is the full responsibility of the Developer and their contractors to:

- a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works;
- b) Take full measures to protect the in-ground Council drainage system; and
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Drainage pipes can be damaged through applying excessive loading (such as construction plant, material storage and the like). All proposed structures and construction activities are to be located clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

In the event of a Council drainage pipeline being uncovered during construction, all work is to cease and the Certifying Authority and Council (if it is not the Certifying Authority) must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of Public Drainage Assets)

Geotechnical Stability during Works

E7. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the Geotechnical/Civil Engineering Report required by Condition C7 Geotechnical Report and all subsequent geotechnical inspections carried out during the excavation and construction phase.

Approval must be obtained from all affected property owners, including North Sydney Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

(Reason: Ensure appropriate professional are engaged at appropriate stages during construction)

Council Inspection of Public Infrastructure Works

E8. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points:

- a) Vehicular access; and associated road civil works.
- b) Works on Stormwater Easement channel.

All works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads issued by Council. A minimum of 48 hours notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

(Reason: To ensure quality of construction joints and connections in the drainage system)

Removal of Extra Fabric

E9. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

(Reason: To ensure compliance with the terms of this development consent)

Dust Emission and Air Quality

E10. The following must be complied with at all times:

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

Noise and Vibration

E11. The works must be undertaken in accordance with the “Interim Construction Noise Guideline,” published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

No Work on Public Open Space

E12. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

Developer's Cost of Work on Council Property

E13. The developer must bear the cost of all works associated with the development that occurs on Council’s property, including the restoration of damaged areas.

(Reason: To ensure the proper management of public land and funds)

No Removal of Trees on Public Property

E14. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

(Reason: Protection of existing environmental infrastructure and community assets)

Protection of Trees

E15. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the tree report prepared by Michael Shaw dated 02 December 2022 and received by Council on 12 December 2022 must be implemented for the duration of the works.

In the event that any tree required to be retained is damaged during works on the site, notice of the damage must be given to Council forthwith.

Notes:

- a. If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.

- b. An application to modify this consent pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

(Reason: Protection of existing environmental infrastructure and community assets)

Trees to be Removed

- E16. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Tree	Location	Height (m)
Juniperus sp.	Located within the southern part of the site adjacent to Honda Road	12m
Magnolia grandiflora	Located within the southern part of the site	4m
Tibouchina sp.	Located within the south eastern corner of the site	8m
3 x Callistemon viminalis	Located adjacent to the western boundary of the site	3m
Callistemon citrinus	Located adjacent to the western boundary of the site	3m
Syzigium sp.	Located within the south eastern part of the site.	3m

(Reason: To ensure compliance with the terms of this development consent)

Construction Hours

- E17. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

Location	Standard Construction Hours	
	Day	Hours
R2 Low Density Residential	Monday - Friday	7.00 am - 5.00 pm
	Saturday	8.00 am - 1.00 pm
	Sunday, Public holiday	No work permitted

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above and any Construction Noise Management Plan required under this consent.

In the event of breach to the approved hours of construction Council take may take enforcement action under Part 9 of the EP&A Act 1979 and in accordance with Council’s adopted Compliance and Enforcement Policy.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Installation and Maintenance of Sediment Control

- E18. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and can only be removed when development activities have been completed and the site fully stabilised.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Sediment and Erosion Control Signage

E19. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Site Amenities and Facilities

E20. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au.

(Reason: To ensure the health and safety of the community and workers on the site)

Health and Safety

E21. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au.

(Reason: To ensure the health and safety of the community and workers on the site)

Prohibition on Use of Pavements

E22. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

(Reason: To ensure public safety and amenity on public land)

Plant and Equipment Kept Within Site

- E23. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

Details of Council requirements for permits on public land for standing plant, hoardings, storage of materials and construction zones and the like are available on Council's website at www.northsydney.nsw.gov.au.

(Reason: To ensure public safety and amenity on public land)

Waste Disposal

- E24. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

(Reason: To ensure the lawful disposal of construction and demolition waste)

Asbestos Removal

- E25. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

(Reason: To ensure works are carried out in accordance with relevant WorkCover requirements)

F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation

National Construction Code

- F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

Home Building Act

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Construction Certificate

F4. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Occupation Certificate

F5. A person must not commence occupation or use of the whole or any part of a new building (*new building* includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Commencement of Works

F6. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two (2) days' notice to North Sydney Council of the person's intention to commence the erection of the building.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Excavation/Demolition

- F7.
- 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 - 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
 - 3) Demolition work must be undertaken in accordance with the provisions of AS2601-Demolition of Structures.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

Protection of Public Places

- F8.
- 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
 - 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
 - 5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

(Reason: To ensure public safety and the proper management of public land)

Site Sign

- F9. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Infrastructure Repair and Completion of Works

- G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:
- a. in the road reserve must be fully completed; and
 - b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of public assets)

Certification - Civil Works

- G2. a) An appropriately qualified and practising Civil Engineer must certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.
- b) An appropriately qualified and practicing Civil Engineer must certify to the Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

Works as Executed Drawings and Video

- G3. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E. survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Certifying Authority that the as-built system achieves the design intent of the plans approved with the Construction Certificate. Certification must be provided with the W.A.E. survey drawing to the Certifying Authority prior to the issue of an Occupation Certificate.

A copy of the W.A.E. survey drawing and certification must be submitted to the Council if it is not the Certifying Authority.

(Reason: Compliance with the Consent)

Pool Access

- G4. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the requirements of the applicable Australian Standard. The pool must not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed. Certification from an appropriately qualified person confirming compliance with these requirements must be provided prior to the issuing of any Occupation Certificate.

(Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act)

Pool Safety Requirements

- G5. A notice must be displayed in a prominent position in the immediate vicinity of the pool at all times showing:
- a) Appropriate instructions of artificial resuscitation methods.

- b) A warning stating:
- (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", and
 - (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

Details demonstrating compliance are to be provided with any Occupation Certificate issued for the pool.

This notice must be kept in a legible condition and at the poolside.

(Reason: To ensure an adequate level of safety for young pool users)

Damage to Adjoining Properties

- G6. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

(Reason: To ensure adjoining owner's property rights are protected)

Utility Services

- G7. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

(Reason: To ensure compliance with the terms of this consent)

Flood Risk Management Plan

- G8. Prior to the issue of the final Occupation Certificate or any Subdivision Certificate, a Flood Risk Management Plan (FRMP) is to be prepared by a suitably qualified Hydraulic Engineer which outlines emergency warning measures and systems to be implemented should a flooding event exceed the flood planning level (FPL) for the site.

The Flood Risk Management Plan required by this condition must include details of measures to be implemented by owner/occupants of both dwellings should a flooding event exceed the flood planning level (FPL) for the site.

The FRMP must be prepared to the satisfaction of the Certifying Authority prior to the issue of the Final Occupation Certificate for the development.

The owners of the respective properties/lots must ensure that recommendations of the FRMP are to be implemented and maintained at all times.

(Reason: Compliance and adequate maintenance due to potential flood affectation)

Subdivision to be Registered

G9. The subdivision certificate referenced in Condition J2 is to be registered prior to the issue of any occupation certificate relating to the approved works to subdivide Lot B DP 405794 into two lots.

(Reason: To ensure that the approved residential dwellings are located on separate

New Drainage Easement (Relocated Pipeline)

G10. An Instrument pursuant to Section 88A of the *Conveyancing Act* 1919 and one copy must be submitted to Council in registrable form, providing for:

- a) a drainage easement in favour of Council over the newly constructed stormwater pipeline.
- b) The new culvert will also need an easement to match the new alignment.
- b) The easement shall be at no cost to Council;
- c) access rights for Council personnel and equipment to inspect and maintain and/or replace the drainage pipeline;
- d) North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument.

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council's official seal will be affixed to these documents, prior to submission to the Land and Property Information Office for registration

The Instrument creating the easement required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier. Evidence of registration of the easement must be provided to Council prior to issue of any Occupation Certificate.

All costs associated with the preparation, approval and registration of the Instrument required by this condition of consent must be borne by the person acting on this consent including the reasonable costs of Council in obtaining advice, negotiating the terms or otherwise facilitating the execution and registration of the required Instrument.

(Reason: To ensure future provision for maintenance of the drainage system)

Notification of New Address Developments

G11. Prior to any Occupation Certificate being issued, the person acting upon this consent must comply with the following:

- (a) Notify Australia Post of the address(es) as issued by Council and the location in plan form of any secondary, internal addresses, in relation to built public roads. Check Australia Post Website (www.auspost.com.au) to find your nearest Australia Post Delivery Facility.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties)

Asbestos Clearance Certificate

G12. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following:

- a) the building/land is free of asbestos; or
- b) the building/land has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.epa.nsw.gov.au.

(Reason: To ensure that building works involving asbestos-based products are safe for occupation and will pose no health risks to occupants)

Certification of Tree Condition

G13. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the tree(s) specifically nominated below:

Tree	Location	Height (m)
Cedrus deodara	Located in the south western corner of the site	16m
Livistona australis	Located in the north western corner of the site	8m
Cyathea cooperi	Located in the north western corner of the site	8m
Phoenix canariensis	Located in the north western corner of the site	10m
Jacaranda mimosifolia	Located in the north western corner of the site	10m
Ceratopetalum gummiferum	Located in the northern corner of the site	6m
Cyathea cooperi	Located in the northern corner of the site	8m
Camellia japonica	Located in the northern corner of the site	6m
Lagerstroemia indica	Located centrally within the site	2m
Pittosporum undulatum	Located in the northern corner of the site	8m
Angophora costata	Located in the northern corner of the site	20m

The report must detail the condition and health of the nominated tree(s) upon completion of the works and shall certify that the tree(s) has/have not been significantly damaged during the works on the site and has/have reasonable prospects for survival.

(Reason: To ensure compliance with the terms of this consent)

Sydney Water

G14. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

The final Section 73 Certificate must be submitted to the Certifying Authority prior to release of any linen plan for subdivision or prior to occupation of the development, whichever is the earlier.

Notes: Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index, or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(Reason: To ensure compliance with the statutory requirements of Sydney Water)

BASIX Completion Certificate

G15. In accordance with Clause 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

(Reason: To ensure compliance with the specified BASIX Certificate)

House Numbering (Dwellings)

G16. Prior to any Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

Note: If apartments are to be sold off the plan, the applicant must have written confirmation from Council of the address and apartment numbering if the apartment number is to be identified on the contract.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties.)

Landscaping

G17. The landscaping shown in the approved landscape plans numbered 01 - 06 prepared by Concept Landscape Architects dated 02 December 2022 and received by Council on 12 December 2022 modified via condition C30 – Amendments to the Landscape Plan must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Compliance with Certain Conditions

G18. Prior to the issue of any Occupation Certificate C6 Heritage Requirements, C14 Floor Levels for Flooding, C13 Stormwater Management & Disposal Design Plan, C15 House 1 Fenestration - Flooding, C23 Privacy, C30 Amendments to the Landscape Plan and G9 Subdivision to be registered must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

I. Ongoing/Operational Conditions

Pool Filter

I1. The swimming pool pump installed at the premises must not operate so as to:

- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - (j) before 8.00 am and after 8.00 pm on any Sunday or Public Holiday; or
 - (ii) before 7.00 am or after 8.00 pm on any other day
- (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

Maintenance of Approved Landscaping

I2. The owner/s of both lots subject to the proposed subdivision of Lot B in DP 405794 is to maintain the landscaping approved by this consent generally in accordance with drawing number/s 01 - 06 prepared by Conzept Landscape Architects dated 02 December 2022 as modified by condition C30 – Amendments to the Landscape Plan.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

Should it be desired to substitute plants which are not of the same mature height, canopy density and nature (particularly flowering for non-flowering, native for exotic, deciduous for non-deciduous or the reverse of any these) a modification to this consent will be required.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

Stormwater Drainage Channel and floor levels and S.88 Instrument

13. The owner of House 1 is to maintain and not alter or affect the operation of the stormwater drainage channel and maintain ease of access to the stormwater drainage channel in accordance with the conditions of consent and as required by Condition J6.

The owner of House 2 is to maintain and not alter or affect the levels of the land which allow for flood storage.

(Reason: To ensure that the stormwater channel remains unencumbered)

Ongoing Maintenance of levels

14. The owners of House 1 must not alter the floor levels below the floor levels approved by this consent, the lowest level at 21.19 mAHD being 1.03 m below the current Council stipulated minimum flood planning level of 22.2 mAHD for a new dwelling on this site, which represents the current 1% AEP (1 in hundred year) flood level of 21.9mAHD, plus freeboard (safety factor) of 0.3m.

The owners of House 2 must not alter the floor levels to be lower than 22.2m AHD, being the current Council stipulated minimum flood planning level for a new dwelling on this site, which represents the current 1% AEP (1 in a hundred year) flood level of 21.9 mAHD plus freeboard (safety factor) of 0.3m.

(Reason: To ensure that the stormwater channel remains unencumbered.)

Documents to be maintained on site

15. A copy of the Flood Risk Management Plan required by Condition G8 to be prepared by a qualified Hydraulic Engineer and the s88B instrument required by Condition J6 to be permanently retained on site for each property.

(Reason: To ensure awareness and compliance with the stormwater drainage easement and awareness for future owners of the flood affected lots.)

J. Prior To the Issue of Any Subdivision Certificate (Land/Torrens/Stratum)

Registered Plans (Land/Torrens/Stratum)

J1. The applicant must submit to Council's documentary evidence that the subdivision has been registered and the lot(s) exists. The use of the premise must not commence until the documentary evidence has been submitted to and approved by Council.

(Reason: To ensure that the allotments of land are created prior to the commencement of the approved use.)

Subdivision Certificate

J2. A subdivision certificate that authorises the registration of a plan of subdivision at the NSW Land and Property Information Office must be obtained. The following must be submitted to Council with any application for a Subdivision Certificate:

- a) the original plans of subdivision and administration sheets plus two (2) copies of each, and any original 88B instrument to be endorsed, all **enclosed in a protective card-board tube** (to prevent damage during transfer);
- b) two additional copies of both the plans and any 88B instrument for submission to Customer Services and records for electronic database scanning and copying;
- c) Application for Subdivision Certificate form duly completed with payment of fee current at lodgement;
- d) Written evidence that all applicable conditions of consent to be satisfied, prior to issue of the Subdivision Certificate, have been satisfied (including submission of all required certificates and the like); and
- e) All other information required by *the Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*.

Note:

- 1) Council will check the consent conditions on the relevant subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision and may require payment of rechecking fees.
- 2) **Plans of subdivision and copies must not be folded.**
- 3) **Council will not accept bonds in lieu of completing subdivision works.**

(Reason: To ensure compliance with relevant legislative requirements and maintenance of up-to-date Council records)

Sydney Water Compliance Certificate

J3. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the release of a subdivision certificate.

The Section 73 Certificate must be submitted to the certifying authority or North Sydney Council with the documentation to enable the issue of the Strata Certificate.

Notes: Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site <http://www.sydneywater.com.au/SW/plumbing-building-developing/developing/providers/lists/index.htm>, or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(Reason: To ensure compliance with Sydney Water requirements)

Services within Lots

J4. A report must be provided by a Registered Surveyor certifying that all services (including but not limited to stormwater drainage, gas, electricity, telephone cable) as constructed or to be constructed are/will be contained within each lot or within the necessary easements to accommodate such services. The report must be submitted to the Certifying Authority for approval prior to the issue of any Subdivision Certificate.

(Reason: To ensure adequate servicing of the development)

Easements, Rights-of-way and Restrictions-as-to-User

J5. All easements, rights-of-way, right-of-carriageway, and restrictions-as-to-user as indicated on the plans submitted with the application for the Subdivision Certificate must be registered on the title of the relevant lots.

The following additional easements/rights-of-way/restrictions, naming North Sydney Council as the sole authority empowered to release or modify the same must be registered on the title of the relevant lots:

a) stormwater drainage channel running north to south through the site and the new culvert.

(Reason: To ensure proper management of land)

Section 88B Instrument

J6. A Section 88B Instrument and one copy are to be submitted with the application for a subdivision certificate. The final plan of subdivision and accompanying Section 88B Instrument are to provide for:

a) The stormwater drainage channel easement as stipulated in G10 New Drainage Easement (Relocated Pipeline)

b) The floor levels of House 1 (lot 73) can be RL21.19 but any new work must have regard to the required levels for the 1 in 100 year flood event plus a freeboard of 300mm.

- c) The floor levels for habitable rooms on lot 74 (House 2) must be at or above RL22.2 (including freeboard of 0.3m) to minimise the impact of flooding to residents during a 1 in 100 year flood event.

The instrument creating the restrictions, easements and covenants under the provisions of Section 88B required by these conditions of consent must be lodged for registration with the plan of subdivision. North Sydney Council must be the prescribed authority in the Instrument whose consent is required to release, vary or modify the burdens/benefits.

Proof of registration of the restrictions, easements and covenants under Section 88B must be provided to Council within 28 days of registration of the plan of subdivision.

(Reason: To alert future owners that the land is subject to flooding and the required floor levels and to create legal entitlements with the subdivision as required)

(Reason: To ensure awareness and compliance with the stormwater drainage easement and awareness for future owners of the flood affected lots)

Release of Subdivision Certificate

- J7. A Subdivision Certificate must not be issued until all conditions of this consent have been satisfied and the Final Occupation Certificate has been issued for the building.

(Reason: To ensure that the development is completed to an acceptable standard prior to registration)

Building and Unit Numbering

- J8. Prior to issue any Subdivision Certificate, the person acting upon this consent must apply to North Sydney Council and receive written confirmation of the allocated street address (house number) and unit numbers for the building. These are the property addresses that will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard (AS/NZS 4819:2011).

To assist Council a draft proposal for numbering should be submitted for concurrence to Council, as these numbers will be used to maintain Council's property and mapping database.

(Reason: To ensure that Council records are accurate, and that building and unit numbering complies with the requirements of Council's Property Addressing Policy. Proper building and unit numbering also assists emergency services in readily locating properties)